

## 48A C.J.S. Judges § 232

Corpus Juris Secundum | August 2023 Update

### Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

### IX. Disqualification to Act

#### A. In General

§ 232. Persons subject to disqualification, generally

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#### West's Key Number Digest

West's Key Number Digest, [Judges](#)  39

**The right to be tried by free, impartial, and independent judges extends beyond judges to all persons authorized to decide the rights of litigants.**

The right to be tried by free, impartial, and independent judges extends beyond judges to all persons authorized to decide the rights of litigants.<sup>1</sup> The same high standards required of judges are applied to persons or tribunals exercising functions of a quasi-judicial nature<sup>2</sup> and to commissioners or other arbiters of questions of law or fact not holding judicial office.<sup>3</sup>

The rule of disqualification, however, does not apply where the function exercised is merely ministerial and not judicial<sup>4</sup> or where it is merely administrative.<sup>5</sup>

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## Footnotes

- 1 Mass.—*Alford v. Boston Zoning Com'n*, 84 Mass. App. Ct. 359, 996 N.E.2d 883, 298 Ed. Law Rep. 470 (2013), review denied, 466 Mass. 1109, 998 N.E.2d 342 (2013).
- 2 Mich.—*Talbert v. Owen-Ames-Kimbel Co.*, 305 Mich. 345, 9 N.W.2d 572 (1943).
- 3 Ill.—*In re Heirich*, 10 Ill. 2d 357, 140 N.E.2d 825, 67 A.L.R.2d 827 (1956).
- 4 Ind.—*State ex rel. Stockton v. Leopold*, 227 Ind. 426, 86 N.E.2d 530 (1949).
- 5 Kan.—*Collins v. Kansas Milling Co.*, 210 Kan. 701, 504 P.2d 586 (1972).

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